REMARKS/ARGUMENTS

As a result of this Amendment, claims 7-9 are under active consideration in the subject patent application.

In the Official Action, the Examiner has:

(1) objected to Claims 7 and 9 for informalities; and

(2) rejected claims 7-9 under 35 U.S.C. §102(b) as allegedly anticipated by Parappa The Rapper (the "Parappa reference");

With regard to Item 1, claims 7 and 9 have been amended to correct the alleged informalities identified by the Examiner.

With regard to Item 2, Applicant respectfully traverses that Examiner's continued reliance upon the Parappa reference, and requests reconsideration and withdrawal of the rejection under 35 U.S.C. §102 for the following reasons. Claims 7-9 have been amended so as to further distinguish Applicant's claimed invention from the disclosure of the Parappa reference. No new matter has been entered into the application as a result of these changes to the claims.

In general, Parappa discloses techniques of changing a pitch during playback of music data according to the difference in time between the instant the player actually presses a button and the proper timing, as well as a procedure for evaluating the correctness of the operation by a player for each key operation so as to accumulate evaluation values.

Anticipation under 35 U.S.C. §102 requires that each and every element of the invention defined in the claim be met in a single prior art reference. Those elements must either be inherent or disclosed expressly, and must be arranged as described in

the claim. See, <u>Diversitech Corporation v. Century Steps, Inc.</u>, 850 F.2d 675, 7

U.S.P.Q.2d 1315 (Fed. Circuit 1988), <u>Constant v. Advanced Micro-Devices, Inc.</u>, 848 F.

2d 1560, 7 U.S.P.Q. 2d 1057 (Fed. Circuit 1988), and <u>Richardson v. Suzuki Motor</u>

<u>Company</u>, 868 F.2d 1226, 9 U.S.P.Q. 2d 913 (Fed. Circuit 1989). Nowhere within the

four corners of the Parappa reference is there disclosure, or even a vague suggestion of

the systems and methods defined by claims 7-9, as amended.

More particularly, with the Parappa system the pitch for playback of

corresponding music data is changed only by the shift in the timing of a player actually

pressing the operation key in some command. For this reason, it is necessary with

Parappa's system for the player to listen for some extended time in order to know at

which instant to actually press the key in relation to the overall music, that is, in order to

judge whether the "performance" is superior or not relative to overall music, making a

simple comparison impossible. Furthermore, the Parappa's player does not

acknowledge whether their "playing" is good or bad, and does not immediately judge

their "playing" even if they listen to the played back music, since only the operation

timing at some point of time is reflected in the playback pitch.

Parappa's system lacks many of the features of Applicant's invention. For

example, with Applicant's claimed invention the accumulated evaluation value

computing procedure computes the time difference between the time when the player

actually presses the button and the time the displayed command image passes the

operation criterion position as a standard. It then computes an evaluation value which

corresponds to the computed time difference for every command image, and

accumulates the evaluation values every command image so as to obtain the accumulated evaluation value, which obtained values are stored in memory.

Furthermore, with Applicant's accumulated evaluation value the pass judgment procedure executes a procedure for every command image including subtracting a predetermined value from the accumulated evaluation value which has been accumulated by judging if the time difference (to be passed) is within predetermined bounds in connection with each command image. In addition, and unlike Parappa, whether the "playing" is good or bad is always totally evaluated and accumulated as the accumulated evaluation value which was accumulated every command image. Parappa simply fails to even vaguely suggest such a procedure, or its value to a user of the system. In particular, the accumulated evaluation value of Applicant's invention is not only a point as with the Parappa system, but is a parameter which shows whether the "playing" is good or bad. As a result, the accumulated evaluation value is accumulated every command image if there is a mistake, and the accumulated evaluation value is subtracted every command image if the key is pushed at a correct timing. In other words, the current "playing" technique of the player is always totally reflected in real time.

Additionally, Applicant's music playback procedure sets and plays back a start pitch at the time of playback of the partial song data with melody which corresponds to the command image which is not judged to be passed by the pass judgment procedure. This results in shifting from a standard pitch of the partial song data with melody which is stored in a music file, as the accumulated evaluation value, at the time of playing back the partial song data with melody which corresponds to the command image that

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is not judged to be passed is larger. With Applicant's procedures, each partial song data with melody is played back such that the "playing" technique of the music by the player, from the start to the current point in time, is reflected in every command image. In other words, in case of bad "playing," i.e., out-of operation timing on many command images, the accumulated evaluation value gradually increases as the playback of the melody proceeds. In this way, the partial song data with melody corresponding to each command image is also played back with a heavy tone-deaf state that corresponds to the increasing accumulated evaluation value toward a standard pitch at a normal playback pitch. On the other hand, with small operation mistakes on each command image, the accumulated evaluation value is not so much increased even if the playback of the melody proceeds. Therefore, the partial song data with melody corresponding to each command image is also played back in a light tone-deaf state corresponding to the small accumulated evaluation value toward the standard pitch which is a normal playback pitch.

As previously discussed, the amount of difference of the start pitch of the melody that corresponds to the command image to be played back at this point of time is controlled so as to be proportional to the standard pitch to reflect the amount of accumulated evaluation value which has been accumulated each command image. For this reason, the playing skill of the player can easily be judged when only listening to the played back melody. This capability is wholly absent from Parappa's disclosed system which reflects only key operation timing at some point of time. If the song data is played back on the basis of the evaluation value accumulated until this point of time, each player's skill is made clearer, but player's wishing to play well may be discouraged since

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the pitch is shifted from the standard pitch even if the "playing" is at correct timing until

the accumulated value becomes zero once the accumulated evaluation value is

accumulated.

Applicant's claimed system is distinct from that of Parappa in this regard since

the pass playback procedure plays back the partial song data with melody with the

standard pitch of the partial song data with melody which corresponds to the command

image which was judged to be passed and is stored in a music file in spite of the

accumulated evaluation value located in memory at the time when playing back the

partial song data with melody. This corresponds to the command image on which the

pass judgment procedure judges to be passed, when playing back the partial song data

with melody which corresponds to the command image on which the pass judgment

procedure judges to be passed. If the player operates the operation key at a correct

timing, the partial song data with melody corresponding to the command image is

controlled so as to be played back at the correct standard pitch in spite of the quality of

playing in the past, in order to maintain a player's desire to improve and so as to

maintain his interest in the game. Parappa's system simply does not have such a

control since in Parappa's system reflects <u>only key operation timing at some point of

time</u>.

In summary, Applicant submits that the unique systems and methods defined by

claims 7-9 are not disclosed in the Parappa references, taken as a whole, and there is

no teaching or suggestion in that reference to support its use alone or in combination

with the other references of record in the case. In view of the foregoing, Applicant

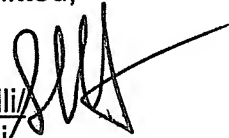respectfully submit that claims 7-9, as amended, are in condition for allowance.

Favorable reconsideration is therefore respectfully requested. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If a telephone conference would be of assistance in advancing prosecution of the above-identified application, Applicant's undersigned Attorney invites the Examiner to telephone him at **215-979-1255**.

Respectfully Submitted,

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